

Town of Frederick Board of Trustees



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AM 2009-075

Consider Ordinance to Revise Frederick Municipal Code Chapter 11, Article IV- Sidewalks

Agenda Date: Town Board Meeting - August 28, 2009

Attachments:

- a. Redlined version of proposed code changes
- b. Proposed Ordinance #

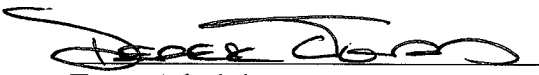
Fiscal Note: None noted


Finance Director

Submitted by: Richard Nickson
Storm Water Engineer



Approved for Presentation:


Town Administrator

AV Use Anticipated Projector _____ Laptop _____

Certification of Board Approval:

Town Clerk

Date

Summary Statement:

The attached ordinance proposes revisions to portions of the Municipal Code regarding sidewalk maintenance to further clarify the maintenance responsibilities of adjacent landowners as it relates to repairs of sidewalks, curb & gutter, disabled access ramps and drainage pans.

Detail of Issue/Request:

This issue was previously discussed at the October 14, 2008 Board meeting at which time the Board adopted Ordinance No.978, clarifying the Municipal Code and eliminating technical errors. The Board directed staff to enforce the sidewalk code as revised. During preparation of the "2009 Concrete Repair Bid", the mechanism by which the current code will be enforced, staff discovered several additional

inconsistencies in the current code, specifically in Article IV, "Sidewalks". The current code section references sidewalk repair only whereas we also need to address curb, gutter, and drainage pans. In several sections the current code requires the Board of Trustees to initiate actions during the repair process whereas many similar duties have been made administrative responsibilities of staff.

The attached ordinance contains the following proposed modifications: 1) the references to "Sidewalk" repair are replaced with "Sidewalk, Curb and Gutter"; 2) the area of coverage for the ordinance is clarified by replacing "portions of Old Town and later subdivided property" with "Town boundaries"; 3) confusing language is clarified; and, 4) staff is requesting direction about whether the Board or Staff should be required to initiate different actions during the repair process (as indicated in the notes for Sections 11-75 and 11-78 of the attached "Redline Copy of the Ordinance").

Legal/Political Considerations:

Legal has reviewed the proposed Municipal Code provisions. The revisions do not substantially deviate from the regulatory scheme found in the previous version of Chapter 11, Article IV or state statute regarding the authority of municipalities to regulate sidewalks and public concrete structures.

Alternatives/Options:

Options include, clarifying what the current code means by adopting the proposed ordinance, or doing nothing and enforcing the current code.

Financial Considerations:

Since the proposed ordinance makes only minor corrections to the code, does not change the responsibility for property owners to maintain adjacent sidewalks, and does not obligate the Town to any additional maintenance responsibilities, the adoption of the ordinance should have no financial impact on the Town.

Staff Recommendation:

Staff recommends that the Board adopt the proposed ordinance, with direction regarding whether the Board or staff is responsible for actions prescribed in Section 11-75 and Section 11-78.